



PATENT

Certificate of Mailing (37 C.F.R. 1.8(a))

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first-class mail in an envelope addressed to: Attention: Office of Petitions, **Mail Stop Petition**, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date set forth below.

Roberta Sherman

Name of Person Mailing Paper

[Signature]  
Signature of Person Mailing Paper

February 17, 2004

Date of Deposit

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Serial Number: 10/068,729

Filing Date: 2/6/2002

Applicant(s): Eliezer Tatz

Entitled: HEIGHT ADJUSTABLE MINI-SUPPORT ROLLER FOR  
SUPPORTING A PIECE OF MATERIAL

Examiner: Not yet Assigned

Group Art Unit: 3723

Attorney Docket No.: 10623-2803U

**RECEIVED**  
MAR 01 2004  
TECHNOLOGY CENTER R3700

Attention: Office of Petitions  
**Mail Stop Petition**  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

PETITION TO WITHDRAW HOLDING OF ABANDONMENT  
UNDER 37 C.F.R. §1.181

Sir:

In response to the Notice of Abandonment mailed January 12, 2004, Applicant hereby petitions the Commissioner to withdraw the holding of abandonment.

On February 6, 2002, a Patent Application entitled HEIGHT ADJUSTABLE MINI-SUPPORT ROLLER FOR SUPPORTING A PIECE OF MATERIAL was filed with the United States Patent and Trademark Office (U.S.P.T.O.). On March 6, 2002, a Filing Receipt was received at the offices of Malin, Haley and DiMaggio, P.A., for the above-referenced Application and was granted Serial Number 10,068,729. The undersigned, the attorney of record for the aforementioned Application, was employed at that time by Malin, Haley and DiMaggio, P.A. Other than the Filing Receipt, no other documentation was received from the U.S.P.T.O. including the Notice to File Corrected Application Papers dated March 6, 2002. This fact is supported by the enclosed Affidavit of Beatriz Bernal, who was the person responsible for receiving and docketing all U.S.P.T.O. correspondence relating to the subject Application.

Applicant was led to believe that examination of the Application was imminent and that there were no issues with the Application as filed. For example, on September 9, 2002, a Notice of Change of Correspondence Address was filed as the undersigned had joined a new law firm, Christopher & Weisberg, P.A. On that date, a Request for Corrected Filing Receipt was also filed due to the fact the U.S.P.T.O. had misspelled the title of the Application on the original filing receipt. On February 10, 2003, a Corrected Filing Receipt was received from the U.S.P.T.O. reflecting the proper spelling of the title of the Application. The Corrected Filing Receipt was received at the offices of Christopher & Weisberg, P.A. No correspondence was received other than the Corrected Filing Receipt.

As another example, on September 8, 2003, a status request letter was mailed to the U.S.P.T.O. requesting the status of the subject Application. On September 15, 2003, over a year and a half after the filing of the Application, a letter from the U.S.P.T.O. was received indicating that Patent Application Serial Number 10/068,729 in Art Unit 3723 would be examined "in 1 to 4 months" from the date of the letter. A copy of this letter is enclosed herewith. There was no mention or indication that the Application had become abandoned.

On January 12, 2004, a Notice of Abandonment was received indicating that Patent Application Serial Number 10/068,729 has been abandoned for failure to reply to a Notice to File Missing Parts notice allegedly mailed on March 6, 2003 to the law offices of Malin, Haley and DiMaggio, P.A. The notice of abandonment was addressed to the undersigned at the offices of Christopher & Weisberg, P.A. After a formal request to Mr. Wallace from the Office of Initial

Patent Examination Customer Service Office (OIPE), a copy of a Notice to File Corrected Application Papers, dated March 6, 2002, was received on January 27, 2004, indicating that the drawing sheets submitted with the Application did not have the proper margins.

Based on the above and on the Affidavit of Ms. Bernal, Applicant and Applicant's counsel did not receive the aforementioned Notice to File Corrected Application Papers until it was faxed on January 27, 2004. Further, there was never an indication from the U.S.P.T.O. that the Application had become abandoned. To the contrary, two pieces of correspondence, i.e. the Corrected Filing Receipt and the response to Applicant's status request letter, indicated that the Application was pending before an examiner at Art Unit 3723 and would be examined shortly.

Consequently, the Applicant, through undersigned counsel and pursuant to 37 C.F.R. § 1.181 and M.P.E.P. 711.03(c) subsection I, hereby submits this Petition with supporting documentary evidence and without a fee (as no fee is required) establishing without question that the Notice to File Corrected Application Papers, dated March 6, 2002, was never received by Applicant's counsel and that Applicant was given every indication that his patent application was pending and would be examined in due course.

Also enclosed herewith is a Response to the Notice to File Corrected Application Papers including corrected drawings addressing the improper margins identified in the Notice to File Corrected Application Papers, which was received *for the very first time* on January 27, 2004 when faxed by a Mr. Williams from the OIPE.

Therefore, in light of the above, Applicant respectfully requests that the Commissioner withdraw the holding of abandonment and allow the patent application to be examined.

Respectfully submitted,

Date: February 17, 2004



Jeffrey H. Kamenetsky  
Reg. No.: 44,179  
Attorney for Applicant(s)  
Christopher & Weisberg, P.A.  
200 East Las Olas Boulevard, Suite 2040  
Fort Lauderdale, Florida 33301  
Customer No. 31292  
Tel: (954) 828-1488  
Fax: (954) 828-9122

17098



CHRISTOPHER  
&  
WEISBERG, P.A.  
ATTORNEYS AT LAW

200 EAST LAS OLAS BOULEVARD, SUITE 2040 FORT LAUDERDALE, FLORIDA 33301  
TELEPHONE (954) 828-1488 FACSIMILE (954) 828-9122

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MAR 01 2004  
TECHNOLOGY CENTER R3700

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**FAX COVER SHEET**

DATE:	January 21, 2004	FROM:	Monica J. Gavilan
TO:	Mr. Wallace	FAX NO.:	(954) 828-9122
FIRM:	PTO- OIPE	PHONE NO.:	(954) 828-1488
FAX NO.:	703/308-7751	E-MAIL	mgavilan@cwcp.com
PHONE NO.:			
FILE NO.	10623-2803U		3 PAGES, INCLUDING COVER

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MESSAGE

Re: US Patent Application No. 10/068,729  
Filed: 2/6/2002  
Title: HEIGHT ADJUSTABLE MINI-SUPPORT ROLLER FOR  
SUPPORTING A PIECE OF MATERIAL

Dear Mr. Wallace:

Further to our earlier telephone conversation, attached please find a copy of the Notice of Change of Correspondence Address which was previously filed on September 9, 2002, as well as a copy of the return-receipt postcard stamped by the OIPE acknowledging receipt of the same.

Kindly forward a copy of the Notice of Missing Parts dated March 6, 2002, as we discussed. Thank you.

Sincerely,

Monica J. Gavilan  
Intellectual Property Coordinator

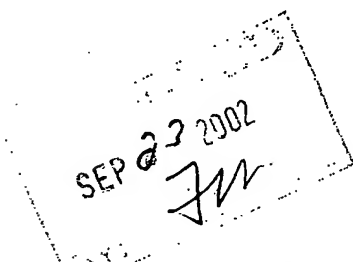
**USPTO: PLEASE VERIFY, STAMP  
DATE RECEIVED AND RETURN**

September 9, 2002

Attorney Docket No. 10623-2803  
Serial No. 10/068,729, filed February 6, 2002, by Eliezer Tatz, for:  
HEIGHT ADJUSTABLE MINI-SUPPORT ROLLER FOR SUPPORTING A  
PIECE OF MATERIAL; Group Art Unit: 3723

Received by Commissioner for Patents, Office of Initial Patent  
Examination's Customer Service Center, the following:

1. Request for Corrected Filing Receipt
2. Notification of Change of Correspondence Address



Christopher & Weisberg, P.A.  
200 East Las Olas Boulevard  
Suite 2040  
Fort Lauderdale, Florida 33301

# Transmission Log

Christopher-Weisberg

Wednesday, 2004-01-21 16:07

954-828-9122

Job #	Date	Time	Length	Speed	Station Name/Number	Type	Pgs	Status
06407	2004-01-21	16:05	1:38	12000	17033087751	SCAN	3	OK -- ECM

**CHRISTOPHER  
&  
WEISBERG, P.A.**  
ATTORNEYS AT LAW

200 EAST LAS OLAS BOULEVARD, SUITE 2040 FORT LAUDERDALE, FLORIDA 33301  
TELEPHONE (954) 828-1488 FACSIMILE (954) 828-9122

## FAX COVER SHEET

DATE:	January 21, 2004	FROM:	Monica J. Gavilan
TO:	Mr. Wallace	FAX NO.:	(954) 828-9122
FIRM:	PTO- OIPE	PHONE NO.:	(954) 828-1488
FAX NO.:	703/308-7751	E-MAIL	mgavilan@cwclp.com
PHONE NO.:			
FILE NO.	10623-2803U		3 PAGES, INCLUDING COVER

### MESSAGE

Re: US Patent Application No. 10/068,729  
Filed: 2/6/2002  
Title: HEIGHT ADJUSTABLE MINI-SUPPORT ROLLER FOR  
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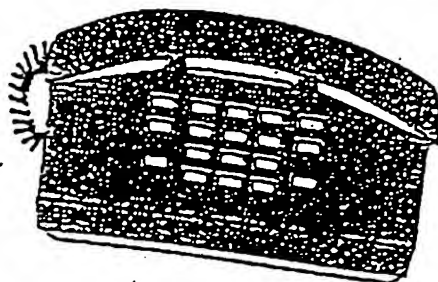
Kindly forward a copy of the Notice of Missing Parts dated March 6, 2002, as we discussed. Thank you.

Sincerely,

  
Monica J. Gavilan  
Intellectual Property Coordinator

Office of Initial Patent Examination (OIPE)  
Customer Service  
(703) 308-1202 or 1203 Fax (703) 308-7751

Fax



To: MONICA G. WILLIAMS

Fax: 954 828 9122

Phone:

From: WILLIAMS

Pages:

Re:

Date: 1-27-04

Office: (OIPE) Customer Service

☐ Urgent ☐ Corrected Filing Receipt ☐ Replacement Filing Receipt ☐ Please Reply

• Comments:

10/068,729



UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office  
ASSISTANT SECRETARY AND COMMISSIONER  
OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231





## UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/068,729	02/06/2002	Eliezer Tatz	10623.2803

CONFIRMATION NO. 8723

## FORMALITIES LETTER



\*OC000000007585459\*

Jeffrey H. Kamenetsky, Esq.  
Malin, Haley & DiMaggio, P.A.  
1936 South Andrews Avenue  
Fort Lauderdale, FL 33316

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MAR 01 2004  
TECHNOLOGY CENTER R3700

Date Mailed: 03/06/2002

## NOTICE TO FILE CORRECTED APPLICATION PAPERS

***Filing Date Granted***

This application has been accorded an Application Number and Filing Date. The application, however, is informal since it does not comply with the regulations for the reason(s) indicated below. Applicant is given **TWO MONTHS** from the date of this Notice within which to correct the informalities indicated below. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a)

The required item(s) identified below must be timely submitted to avoid abandonment:

- Substitute drawings in compliance with 37 CFR 1.84 because:
  - drawing sheets do not have the appropriate margin(s) (see 37 CFR 1.84(g)). Each sheet must include a top margin of at least 2.5 cm. (1 inch), a left side margin of at least 2.5 cm. (1 inch), a right side margin of at least 1.5 cm. (5/8 inch), and a bottom margin of at least 1.0 cm. (3/8 inch);

***A copy of this notice MUST be returned with the reply.***

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 1 - ATTORNEY/APPLICANT COPY



**AFFIDAVIT OF BEATRIZ BERNAL**

STATE OF FLORIDA )  
COUNTY OF BROWARD )

RECEIVED  
MAR 01 2004  
TECHNOLOGY CENTER R3700

I, BEATRIZ P. BERNAL, being duly sworn, depose and say that:

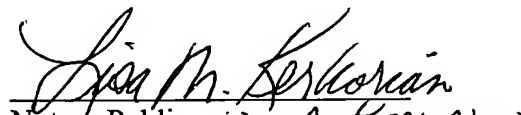
1. I am a paralegal at Malin, Haley & DiMaggio, P.A.
2. I have served in this capacity since July 1996.
3. I docketed all correspondence with the U.S. Patent and Trademark Office for applications having the applicant name Eliezer Tatz and client series number 10623 from the date the applications were filed until those files were removed from our offices in August of 2002.
4. If a Notice to File Missing Parts ("Notice") had been received by the firm for the 10/068,729 application, it would have been routed to me, and I would have docketed it in our docketing system.
5. To the best of my knowledge, we never received a Notice for the 10/068,729 application.

FURTHER AFFIANT SAITH NOT.

  
BEATRIZ P. BERNAL

STATE OF FLORIDA )  
COUNTY OF BROWARD )

The foregoing instrument was sworn to and subscribed before me this 2<sup>nd</sup> day of FEBRUARY, 2004, by Beatriz P. Bernal, who is personally known to me.

  
Notary Public LISA M. KERKORIAN  
(Print Name of Notary Public)

My Commission Expires:  
I:\10000\10623\Firms\affid.doc

